

HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (AUG 2005)

(a) "Hazardous material," as used in this clause, includes any material defined as hazardous under the latest version of Federal Standard No. 313 (including revisions adopted during the term of this Agreement).

(b) The Seller agrees to submit a Material Safety Data Sheet meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard 313 for all hazardous material prior to or at the time of shipment of the material. Material Safety Data Sheets may be sent by facsimile to 865-576-4595 or mailed to:

Hazardous Material Information System (HMIS) Coordinator
Industrial Hygiene
P.O. Box 2009
Building 9204-1, MS-8048
Oak Ridge, Tennessee 37831-8048

(c) Neither the requirements of this clause nor any act or failure to act by the Company shall relieve the Seller of any responsibility or liability for the safety of Government, Company, Seller, or subcontractor personnel or property.

(d) Nothing contained in this clause shall relieve the Seller from complying with applicable Federal, state, and local laws, codes, ordinances, and regulations (including the obtaining of licenses and permits) in connection with hazardous material.

(e) The Company's rights in data furnished under this Agreement with respect to hazardous material are as follows:

(1) To use, duplicate, and disclose any data to which this clause is applicable. The purposes of this right are to (i) apprise personnel of the hazards to which they may be exposed in using, handling, packaging, transporting, or disposing of hazardous material; (ii) obtain medical treatment for those affected by the material; and (iii) have other use, duplicate, and disclose the data for the Company for these purposes.

(2) To use, duplicate, and disclose data furnished under this clause, in accordance with subparagraph (e)(1) above, in precedence over any other clause of this Agreement providing for rights in data.

(3) The Company is not precluded from using similar or identical data acquired from other sources.